

TOWN OF BEAUX ARTS VILLAGE

ORDINANCE NO. 376

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON ESTABLISHING RULES AND REGULATIONS FOR THE WATER DEPARTMENT, PROVIDING FOR ITS ADMINISTRATION, AUTHORIZING THE COUNCIL TO SET RATES AND CHARGES FOR WATER SERVICES AND ESTABLISH PENALTIES, AND REPEALING ORDINANCE NOS. 332 AND 357.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

Section 1. Administration.

1.1. The Water Superintendent shall be appointed by the Mayor and confirmed by the Town Council. The Superintendent shall be charged with the operation and administration of the Water Department. A list of specific duties to be performed shall be attached to the contract between the Town and the Superintendent.

1.2. The Town Clerk shall serve as Clerk of the Water Department and shall be charged with the preparation and maintenance of water-usage records, billings, and payments.

1.3. The Meter Reader shall be appointed by the Mayor and confirmed by the Town Council and shall be charged with recording the readings from all meters within the Town on a bi-monthly basis or other cycle as deemed appropriate by the Town Council and specified in the contract between the Town and the Meter Reader.

Section 2. Compensation.

2.1. The Town Council shall establish a fixed fee to be paid to the Superintendent. In the event the Superintendent performs services beyond the scope of his usual duties and if such services would be the subject of a contract with a third party, the Town Council may pay additional compensation to the Superintendent at an hourly rate. Both the fixed fee and the hourly rate shall be specified in the contract between the Town and the Superintendent.

2.2. The Town Council shall establish compensation to be paid to the Clerk.

2.3. The Town Council shall establish a fixed fee to be paid to the Meter Reader. The fixed fee shall be specified in the contract between the Town and the Meter Reader.

Section 3. Authority of the Superintendent. The Superintendent shall have the authority to incur obligations for services and supplies up to a sum as fixed by the Town Council and as specified in the contract between the Town and the Superintendent

Section 4. Billing Procedures and Rates.

4.1. The Town Council shall establish rates and charges for water usage, new connections, reconnections, disconnections, and various other services performed for water-service users by the Town or its Superintendent. Such rates and charges shall be set forth in a fee resolution.

4.2. Billings for volume-related water charges shall be determined by the use of water meters or by such other method as the Town Council may deem appropriate. Statements detailing the amount due shall be mailed to each water-service user in the Town on or before the first business day of each billing month and shall be due and payable on the 25th day of the billing month. If payment is not received or postmarked by the 25th of the month, the unpaid balance shall be considered late and will be assessed a late fee as set forth in the fee resolution.

4.3. Accounts in arrears.

4.3.1. If an account balance remains unpaid after three billing cycles, the Clerk shall send a certified letter with a Notice of Pending Disconnection to the responsible party. The Notice shall state that full payment of the outstanding balance must be received within ten (10) days of receipt of the letter or the water will be turned off. In lieu of a certified letter, the Clerk may send an email to the resident provided the Clerk documents the customer's receipt of the email notification by email read receipt or by email reply.

4.3.2. The Clerk shall also place a hang tag on the front door of the service address with a copy of the Notice warning the occupant(s) of the pending disconnection. In lieu of this method, the Clerk may hand deliver a copy of the Notice to the residence.

4.3.3. If water service is turned off for non-payment, a reconnection fee shall be added to the outstanding balance owed. Water service shall be restored when the balance due, including the reconnection fee, is paid in full. The reconnection fee shall be set forth in the fee resolution.

4.3.4. The Town shall have the option of imposing a lien against a property for unpaid services and charges incurred upon that property, whether such unpaid services and charges are incurred by the property owner or by some other occupant of the property.

4.4. The Superintendent shall discontinue water service to vacated premises when so requested by the property owner or authorized agent. While disconnected, the Clerk shall continue to bill the property owner for the base charge for water service, but no volume-related charges shall accrue.

Section 5. New Connections.

5.1. Application for a new connection to the water system shall be made to the Town Clerk. Upon approval of the application, the Superintendent shall install all necessary equipment,

pipings, meters, and fittings needed to supply water to a point adjacent to the property line. The applicant shall reimburse the Town for this installation as set forth in the fee resolution.

5.2. Maintenance of water-supply lines beyond the meter shall be the responsibility of the property owner but must be installed in accordance with the current version of the Uniform Plumbing Code. The property owner shall install a valve installed between the meter and any service fixture to avoid using the meter valve as a shut-off for owner maintenance.

Section 6. Lawn-Irrigation and Other Systems Connected to the Water Supply. The property owner shall install a back-flow prevention device in all lawn-irrigation, fire-sprinkler, and other systems (e.g. hot tubs) that are connected to the Town's water system to avoid contamination of the Town's water supply. The Town shall inspect for the device when the system is first installed, and the property owner shall pay a fee for this inspection. The back-flow prevention device shall be tested annually either by the Town or by an outside certified tester at the property owner's expense.

Section 7. Other Charges. The Town Council shall have the authority to impose additional charges and fees beyond those specified herein for other services performed by the Water Department.

Section 8. Prohibited Acts. Except on the authority of the Town Council or the Water Superintendent, the following shall be unlawful:

- The obstruction of or damage to any meter owned and operated by the Water Department.
- Use of fire hydrants by anyone other than authorized Fire Department personnel.
- Opening, closing, or otherwise tampering with valves owned and operated by the Water Department.
- Cutting into, connecting to, moving, altering, exposing, or otherwise tampering with any part of the water-distribution system.
- Shutting off or turning on water connections.
- Paving over, covering over, or otherwise concealing any manhole cover, valve marker, meter box, hydrant, or any other part of the water distribution system.
- Substantially altering the grade surrounding a meter box.

Section 9. The Town shall not be liable for any damage to persons or property that may result from the discontinuation or resumption of the water supply and shall not be liable for any damage due to variations of pressure in the water-supply system. It shall be the property owner's responsibility to install a pressure-reducing valve if protection from excess pressure is desired. The Town Council shall have the authority to regulate the usage of water.

Section 10. The rules and regulations of the Washington State Board of Health regarding Public Water Supplies, WAC 248-54-25 through WAC 248-54-500 are hereby adopted. A copy of these regulations shall be kept on file with the Town Clerk and shall be available to the public for inspection.

Section 11. Penalties. Violations of any of the provisions of this ordinance shall be punishable by a fine of up to \$300 and/or imprisonment for up to ninety days.

Section 12. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

Section 13. Repealer.

- Ordinance No. 332, passed by the Town Council on January 11, 2005, is hereby repealed.
- Ordinance No. 357, passed by the Town Council on April 15, 2008, is hereby repealed.

Section 14. This ordinance shall take effect immediately upon its passage, approval, and publication.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE
and signed in authentication of its passage on the 14th day of September, 2010.

Richard Leider, Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Ann Spens, Clerk-Treasurer

Wayne Stewart, Town Attorney

I certify that copies of the above ordinance were posted, as required by law, in three of the most public places in the Town of Beaux Arts Village, Washington, on the ____th day of _____, _____.

Sue Ann Spens, Clerk-Treasurer